

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MUNEER AWAD, ADAM SOLTANI,)
IMAD ENCHASSI, DOUGLAS MOCK,)
PATRICIA SCHWAGMEYER,)

Plaintiffs,)

-vs-)

No. CIV-2010-1186-M

PAUL ZIRIAX, Secretary; STEVE)
CURRY, Chairman; TOM)
MONTGOMERY; DIANE SPURLOCK;)
members of the Oklahoma State Election)
Board,)

Defendants.)

**PLAINTIFFS' MOTION FOR ATTORNEY FEES
AND NON-TAXABLE EXPENSES**

Pursuant to 28 U.S.C. § 1988(b), Federal Rule of Civil Procedure 54(d)(1), and LCvR 54.1, Plaintiffs respectfully request that this Court award attorneys' fees and non-taxable expenses as provided herein.

I. SUPPORTING DOCUMENTATION

This Motion and the Bill of Costs are supported by the following documents:

1. Bill of Costs.
2. Exhibit 1 to the Bill of Costs - Itemized list of costs.
3. Brief in Support of Taxing Costs.
4. Brief in Support of this Motion for Attorney Fees and Non-Taxable Expenses.

5. Declaration of Micheal Salem with Time Exhibit
6. Declaration of Daniel Mach with Time Exhibit
7. Declaration of Heather Weaver with Time Exhibit
8. Declaration of Professor Joseph Thai with Time Exhibit
9. Declaration of Terry Ragsdale in support of hourly rate of Joseph Thai.
10. Declaration of Randy Calvert in support of hourly rate of Joseph Thai.
11. Declaration of Chandra Bhatnagar with Time Exhibit.
12. Declaration of Vincent Liesenfeld with Time Exhibit.
13. Declaration of Gadeir Abbas with Time Exhibit.
14. Declaration of Jimmy Goodman in support of hourly rates of attorneys.
15. Declaration of Richard Wilkinson in support of hourly rates of attorneys.

II. BILL OF COSTS.

Plaintiffs have filed a Bill of Costs and supporting brief (filed separately per WD LCvR 54.1). Plaintiffs respectfully request that any costs deemed non-taxable be considered as a permissible expense as part of the entitlement to attorney fees pursuant to 42 U.S.C. §1988(b). *Brown v. Gray*, 227 F.3d 1278, 1297-98 (10th Cir. 2000) (Remand to consider expenses denied as costs included as attorney fees under Section 1988).

III. JUDICIAL NOTICE OF APPELLATE PROCEEDING.

A important and significant part of the litigation of this action occurred in the appellate courts. While Plaintiffs ask the Court to take judicial notice of the entirety of those

proceeding, Plaintiffs specifically reference the following appellate filings and briefs submitted in the Tenth Circuit:

9821891 Docketing statement filed by Defendants.

9852634 Appellants' brief filed by Mr. Thomas Prince, Ms. Susan Turpen, Mr. Ramon Watkins and Mr. Paul Ziriach.

9865207 Appellee's Respondent's brief filed by Mr. Muneer Awad.

9872613 Appellants' reply brief filed.

9915443 Appellants' supplemental brief filed by Mr. Thomas Prince, Ms. Susan Turpen, Mr. Ramon Watkins and Mr. Paul Ziriach.

9915608 Appellee's supplemental brief filed by Mr. Muneer Awad.

See Fed.R.Evid. 201(c)(2)). Under Fed.R.Evid. (201(d)) judicial notice may be taken at any stage. Fed.R.Evid. (201(c)(2)) says that the court must "take judicial notice if a party requests it and the court is supplied with the necessary information."

IV. PLAINTIFFS ARE PREVAILING PARTIES ENTITLED TO COSTS, FEES, AND EXPENSES.

This Court granted summary Judgment to Plaintiffs Soltani and Enchassi on August 15, 2013. (Doc 085). Judgment was entered against all Defendants. (Doc. 086).

V. LEAVE TO SUPPLEMENT.

A party is entitled to fees for work on the fee application itself. Plaintiffs respectfully request leave to supplement this motion in the future to seek additional fees, if any, associated with "work done in resolving the fee issue itself." *Love v. City of Cheyenne*, 620 F.2d 235, 237 (10th Cir.1980).

VI. POST-JUDGMENT INTEREST.

Plaintiffs are entitled to post-judgment interest and respectfully request that the Court award post-judgment interest on Plaintiffs' attorneys' fees and expenses, to be calculated from the "date the fees [are] meaningfully ascertained and included in a final appealable judgment," *see MidAm. Fed. Sav. & Loan Ass'n. v. Shearson/Am. Express, Inc.*, 962 F.2d 1470, 1476 (10th Cir. 1992), and in accordance with the statutory rate authorized by 28 U.S.C. § 1961.

VII. TABULAR SUMMARY OF REQUESTED ATTORNEY FEES.

Attorney	Hourly Rate	Hours	Attorney Total
Micheal Salem	\$250.00	622.5	\$155,625.00
Daniel Mach	\$250.00	91.3	\$22,825.00
Joseph Thai	\$400.00	39	\$15,600.00
Heather Weaver	\$200.00	270.8	\$54,160.00
Chandra Bhatnagar	\$225.00	100.2	\$22,545.00
Gadeir Abbas	\$150.00	149.5	\$22,425.00
Vincent Liesenfeld	\$125.00	64.4	\$8,050.00
Total Fees			\$301,230.00

VIII. TABULAR SUMMARY OF REQUESTED EXPENSES.¹

Attorney	Itemized Expenses	Attorney Expenses Total
Micheal Salem	\$1,005.13	\$1,005.13
Gadeir Abbas	\$898.36 (See Fn. 1)	\$898.36
Total Expenses		\$1,903.49

IX. CONCLUSION

Plaintiffs respectfully request an order of the Court awarding attorneys' fees, costs, and expenses as provided for herein.

Respectfully submitted,



SIGNATURE OF COUNSEL

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ATTORNEY FOR PLAINTIFFS AWAD, SOLTANI,
 ENCHASSI, MOCK, AND SCHWAGMEYER

¹ The \$350.00 filing fee expense is part of the Bill of Costs and not an expense, and is subtracted from the total expenses listed in the Exhibit A to the Declaration of Gadeir Abbas.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of DECEMBER, 2013, I electronically transmitted this document and additional related support documents to the Clerk of the United States District Court for the Western District of Oklahoma using the ECF System for filing and transmittal of notice of electronic filing to the following ECF registrant:

Patrick Wyrick

Solicitor General

Oklahoma Office of the Attorney General



MICHEAL SALEM

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